

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

ROBERT ALLEN,)	
)	
Plaintiff,)	
)	
-vs-)	Civil No. 03-495-DGW
)	
ANTHONY RAMOS,)	
)	
Defendant.)	

ORDER

Before the court is Defendant Anthony Ramos's Renewed Motion for Judgment as a Matter of Law (Doc. 74). Plaintiff Robert Allen has filed a response (Doc. 79).

This is a suit brought by a prison inmate under 42 U.S.C. §1983. The jury returned a verdict in favor of plaintiff and against defendant Ramos in the amount of \$1.00 compensatory damages. At the end of Plaintiff's case, the Defendant moved for judgment as a matter of law pursuant to Federal Rule of Civil Procedure 50. The defendant renewed this motion at the close of all evidence. The jury found in favor of Plaintiff and awarded one dollar in damages, the only amount they were permitted to enter. Defendant in now before this Court again renewing his motion and asking this Court to grant judgment in his favor.

Defendant Ramos makes two arguments, first he argues that Plaintiff did not prove that Defendant Ramos retaliated against him for engaging in protected conduct, and secondly, that he is entitled to qualified immunity.

On November 26, 2007, the Court entered a written order denying Defendant's oral motion for judgment as a matter of law based upon qualified immunity (Doc. 69). The Court found that because the jury found that Plaintiff's constitutional rights were violated and because

it is a well-established principle of First Amendment jurisprudence that an inmate has a constitutional right to file grievances, Defendant Ramos was not entitled to qualified immunity. Based on Defendant's argument in instant motion, the Court finds no reason to overturn its previous findings that Defendant violated Plaintiff's constitutional rights and that Defendant was not entitled to qualified immunity. Accordingly, Defendant's Renewed Motion for Judgment as a Matter of Law (Doc. 74) is **DENIED**.

IT IS SO ORDERED.

DATE: September 30, 2008.

s/ Donald G. Wilkerson
DONALD G. WILKERSON
United States Magistrate Judge